

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/06/2001

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Hotynski

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - LWSR stewardship

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Hotynski -

Topic:

Stewardship funding for a skateboard park in Winnebago County

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rkite 06/06/2001	wjackson 06/06/2001	rschluet 06/07/2001	_____	lrb_docadmin 06/07/2001		
/2	rkite 06/09/2001	hhagen 06/09/2001	pgreensl 06/10/2001	_____	lrb_docadmin 06/10/2001		
/3	gibsom 06/10/2001	csicilia 06/10/2001	pgreensl 06/10/2001	_____	lrb_docadmin 06/10/2001		

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

<END>

06/10/2001 11:00:10 AM

Page 1

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*Redraft to 13 in
put reference to 23.197(7) in to 2001-03 biennium*

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/2	rkite 06/09/2001	hhagen 06/09/2001	pgreensl 06/10/2001	<i>6/10 SELF</i>	lrb_docadmin 06/10/2001		

FE Sent For:

*13 cjs 6/10
01**6/10
PS*

06/07/2001 12:25:45 PM

Page 1

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/1	rkite 06/06/2001	wjackson 06/06/2001	rschluet 06/07/2001	<u> </u> 6/10 p8+11c	lrb_docadmin 06/07/2001		

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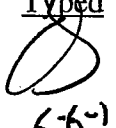
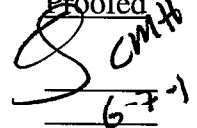
Topic:

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1/?	rkite	1 WJ 6/6	 6-6-1	 CMH 6-7-1			

FE Sent For:

<END>

Representative Kaufert

MO#		
Burke	Y	N
Decker	Y	N
Moore	Y	N
Shibitski	Y	N
Plache	Y	N
Wirch	Y	N
Darling	Y	N
Welch	Y	N
Gard	Y	N
Kaufert	Y	N
Albers	Y	N
Duff	Y	N
Ward	Y	N
Huebsch	Y	N
Huber	Y	N
Coggs	Y	N

10-6
pass

NATURAL RESOURCES - DEPARTMENTWIDE

Stewardship - Menasha Skateboard Park

Motion:

Move to require DNR to provide \$25,000 from the Warren Knowles-Gaylord Nelson Stewardship 2000 land acquisition subprogram to the City of Menasha for the purchase of land for a skateboard park facility in Winnebago County.

Note:

Under current law, \$46 million in general obligation bonding authority is available annually under the Warren Knowles-Gaylord Nelson Stewardship 2000 program. Under the stewardship biennial spending plan approved by the Natural Resources Board, \$7.25 million of the \$34.5 million for general land acquisition would be earmarked for grants to non-profit conservation organizations, leaving \$19 million available for DNR land acquisition (after \$8.3 million is set aside to account for the \$25 million Great Addition purchase in 1999). Of the \$11.5 million available for property development and local assistance, \$4.5 million would be allocated for property development, and \$7 million for local assistance grants.

Under 1999 Act 9, moneys obligated under the local assistance subprogram may only be used for nature-based outdoor recreation. The Department has defined "nature-based outdoor recreation" in emergency administrative rule to mean: "Activities where the primary focus or purpose is the appreciation or enjoyment of nature." These activities may include but are not limited to hiking, bicycling, wildlife or nature observation, camping, nature study, fishing, hunting picnicking, cross-country skiing, canoeing, and multi-use trail activities. Support facilities for these activities may include but are not limited to access roads, parking areas, utility and sanitation systems, sanitary and shelter buildings, signs, interpretive items, and other features that enhance nature-based outdoor recreation or improve disabled accessibility. Ineligible activities include but are not limited to sports that require extensively developed open space such as dedicated sports fields, swimming pools, and tennis courts. The motion would require DNR to use \$25,000 in land acquisition funds for the skateboard park.



(Soon)
State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb0644/1

RNK.../.....

Wly

D-Note

LFB:.....Hotynski - Stewardship funding for a skateboard park in
Winnebago County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 615, line 20: after that line insert:

3 "SECTION 1039m. 23.197 (7) of the statutes is created to read:

4 23.197 (7) MENASHA SKATEBOARD PARK. From the appropriation under s. 20.866
5 (2) (ta), the department shall provide \$25,000 to the city of Menasha for the purchase
6 of land to be used for a skateboard park facility in Winnebago County. ~~For the~~
7 ~~purposes of~~ s. 23.0917, ⁽³⁾ ~~Notwithstanding~~ moneys provided under this subsection from the
8 appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the
9 subprogram for land acquisition."

10

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

0644 / 1 dn
LRBb06441 dn
RNK.....
Wly

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under ^{SR}art. IV, ^{SR}sec. 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of ^{SR}art. 4, ^{SR}sec. 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest". As it is difficult to predict the potential for and outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill. ^{SR}

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0644/1dn
RNK:wlj:rs

June 6, 2001

It is possible that a Wisconsin court would find that this amendment is a "private or local law" which, under article IV, section 18, of the Wisconsin Constitution, must be enacted as single-subject legislation. If so, this amendment cannot validly be enacted as part of the budget bill, which clearly encompasses more than one subject. Under *Milwaukee Brewers Baseball Club v. Wisconsin Dept. of Health and Social Services*, 130 Wis. 2d 79, 115 (1986), "a legislative provision which is specific to any person, place, or thing is a private or local law within the meaning of article 4, section 18, unless: 1) the general subject matter of the provision relates to a state responsibility of statewide dimension; and 2) its enactment will have direct and immediate effect on a specific statewide concern or interest." As it is difficult to predict the potential for and outcome of any court action on this amendment, the committee may wish to consider introducing this proposal as a separate bill.

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Jan 6-10
State of Wisconsin
2001 - 2002 LEGISLATURE

12
LRBb0644/~~5~~

RNK:wlj:rs
dhmh

D-Note

LFB:.....Hotynski - Stewardship funding for a skateboard park in
Winnebago County

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

For purposes of

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 615, line 20: after that line insert:

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4 23.197 (7) MENASHA; SKATEBOARD PARK. From the appropriation under s. 20.866

5 (2) (ta), the department shall provide \$25,000 to the city of Menasha for the purchase

6 of land to be used for a skateboard park facility in Winnebago County.

7 ~~Notwithstanding s. 23.0917 (2),~~ moneys provided under this subsection from the
8 appropriation under s. 20.866 (2) (ta) shall be treated as moneys obligated under the
9 subprogram for land acquisition."

(END)

Insert
1-9
10 →

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0644/2
RNK.....

Insert 1-9

✓
1. Page 614, line 17: after that line insert:

✓
"SECTION 1034p. 23.0917 (3) (a) of the statutes is amended to read:

23.0917 (3) (a) Beginning with fiscal year 2000-01 and ending with fiscal year 2009-10, the department may obligate moneys under the subprogram for land acquisition to provide funding to the city of Menasha for a skateboard park facility *✓* under s. 23.197 (7) and to acquire land for the purposes specified in s. 23.09 (2) (d) *✓* and grants for these purposes under s. 23.096." *✓*

History: 1999 a. 9, 185.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

LRBb0644/2dn
RNK *hmb*

Rebecca Hotynski:

I have redrafted this draft to ensure consistency in the form and content of all of the drafts we are preparing for the substitute amendment for the joint committee on finance that concern stewardship funding. The changes in this draft are intended to be nonsubstantive. Please let me know if you have any questions.

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DRAFTER'S NOTE
FROM THE
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LRBb0644/2dn
RNK:hmh:pg

June 10, 2001

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scjs

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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

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during fiscal year 2001-03

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2. Page 614, line 17: after that line insert:

"SECTION 1034p. 23.0917 (3) (a) of the statutes is amended to read:

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(END)

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5 (2) (ta), during the fiscal biennium 2001–03 the department shall provide \$25,000
6 to the city of Menasha for the purchase of land to be used for a skateboard park
7 facility in Winnebago County. For purposes of s. 23.0917, moneys provided under
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(END)